

Contracting with a drinking water operator

What you need to know before entering into an agreement

The *Idaho Rules for Public Drinking Water Systems* state that all public drinking water systems must be under the “responsible charge” of a licensed drinking water operator.

The rule contains this requirement because by having a trained and licensed operator in charge to ensure a safe supply of drinking water to consumers safeguards public health.

There are some small drinking water systems in Idaho, however, that do not have the resources to hire full-time, licensed operators. Even so as an owner, you have the responsibility to make sure that your water system receives proper operation and maintenance and distributes safe, drinkable water.

If you are one of the small systems with limited resources, the answer may be to hire a “contract operator” to manage your system on a part-time basis. A contract operator is defined as a licensed operator who enters into a contract with a public drinking water system and is responsible for the daily operation and maintenance of the system.

Finding a contract operator

To contract with a licensed operator, the first step is to go to DEQ’s web site and look at the list of licensed contract operators in your area willing to contract for services (see “Internet Listing” sidebar for web site).

Once you have located one or more possible contract operators, there are a number of questions you need to ask a potential candidate. For example, does the operator meet the following conditions:

- live in the vicinity of your system?
- possess the required drinking water operator’s license?
- have experience operating your type and size of system?
- carry adequate contractors’ liability insurance?
- have any references?

It is important that the distances between a contract operator and a water system should be such that if there is an emergency, the contract operator is able to reach the system within one hour of the first notification of the emergency.

Internet Listing of Licensed Contract Operators



- **DEQ maintains a list of all individual licensed contract operators** who have requested to be listed. The list is available on the web at www.deq.idaho.gov/Applications/WWDWOper/WWDWSearchContractOperatorInfo.cfm.

Once into the directory, go to “License Type” and select the license category you are interested in and hit “Continue.” It is not necessary to select city or state.

- **Want to be added to the list?** Operators who meet the minimum contract operator requirements and wish to be added to the DEQ list of available contractors, should go to “WW/DW Contract Operator Information” at www.deq.idaho.gov/Applications/WWDWOper/WWDWOperatorAcceptDisclaimer.cfm.

Please Note: DEQ does not endorse any contract operator.

For more suggested questions to ask a potential operator, go to DEQ’s “Hiring Recommendations” for systems interested in contracting with a contract operator at www.idahocertificationtraining.com/dw_hiring.htm#recommendations.

Drawing up a contract

If, after interviewing, you decide to hire a contract operator, you must have some type of a contract for the protection of both parties. The contract can take whatever format you want, and you might want to consider contacting a lawyer for advice.

As a system owner, decide just exactly what you want the contract operator to do. For instance, if the scope of expected services of the contract includes all required sampling, testing, and reporting, make sure it also includes such items as preparing public notifications and the Consumer Confidence Report. Will the contract include meter reading, customer billing, complaint response, and follow-up consumer contact?

If the contract service is not to be all-encompassing, clearly define what the contract does and does not include. And remember, if you contract with an operator *it is not a contract to do sampling*, it is a contract to run and be in direct responsible charge of matters pertaining to your system.

The contract must outline the duties and responsibilities of the owner as well. For example, the owner ensures that the operator holds a valid license equal to or greater than the classification of the public water system.

The owner must file proof of contract with the local DEQ regional office. Section 560 (Contracting for Services) of the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) states the following: “Public water systems may contract with persons to provide responsible charge operators and substitute responsible charge operators. *Proof of such contract shall be submitted to the Department prior to the contracted person performing any services at the public water system.*”

The system owner is responsible for providing a certified substitute to be the responsible-in-charge operator during those times when the system is in operation and the contract operator is not available or is inaccessible.

Contract duties and responsibilities

Below are possible duties and responsibilities for contract operators and system owners that you might want to consider including in a contractual agreement. The lists are intended only as suggestions, and the terms of your contract will depend on what duties you want a contract operator to perform.

Duties and Responsibilities of the Contract Operator:

- Perform routine operation and maintenance consistent with the system's operation and maintenance manual.
- The number of days and hours per week that the operator will be on site performing operation and maintenance tasks.
- The contract operator will serve as the responsible-in-charge operator, and as such will keep operational, maintenance, and administrative records of all water system activities.
- The operator will provide you with a copy of a current operator license, and will maintain a valid operator certificate while this contract is in effect.
- Prepare and submit monthly reports.
- Collect and submit all water system samples.
- Maintain and test all customer meters on a regular basis.
- Answer customer complaints on water quality/quantity issues.
- Be on-site for all U.S. Environmental Protection Agency (EPA) and Idaho (DEQ) or district health department inspections.
- Analyze operational data to determine changes and improvement for more efficient operation.
- Be available at all times for emergency situations.

Duties and Responsibilities of the Water System Owner:

- Submit proof of the contract with the contract operator to DEQ prior to the contracted person performing any services for the public water system.
- Ensure that the operator holds a valid license equal to or greater than the classification of the public water system.
- Keep a copy of the current operator license on file.
- Responsible for communicating all required regulatory information to the operator.
- Provide for a licensed substitute responsible-in-charge operator when the contract operator is not available.
- Retain contract copies and routinely review operations to assure the contract operator is performing all of the required duties.

Other items to include in the contract

Once you have settled on duties and responsibilities, other items to incorporate into the contract include the following: the amount of compensation, the effective starting and ending dates, liability insurance, and a termination clause.

A “termination clause” ensures that either or both parties have the right to terminate a contract under certain circumstances. An appropriate notification period (e.g., 30 days) should be included as part of the termination clause.

Finally, both parties must sign the contract and retain a copy for their files.

Some options

Many small systems find it difficult to comply with the increasingly complex regulations introduced by the 1986 SDWA amendments.

A contract operator can provide many benefits to water systems in small communities faced with the wide array of state and federal requirements. These benefits include reduced financial and administrative burdens and complete or partial system operator coverage.

If a small system feels that it cannot afford to hire a contract operator, there are other options to explore such as working with another system to jointly contract for a shared operator, or (if possible) hooking up to a neighboring water system.

In addition, in Idaho there are few small companies that perform operation and maintenance for small systems that you might want to contact.

Regardless of which route you take, remember as a system owner you have a responsibility for ensuring that your water supply system receives proper operation and maintenance and produces safe water. This means that you must have a responsible charge operator on board. This is a state requirement, and a requirement that is not optional. ■



USEPA finalizes the Long Term 2 Enhanced Surface Water Treatment Rule and Stage 2 Disinfectants and Disinfection Byproducts Rule

The two new drinking water regulations above were finalized by EPA in early January. These regulations strengthen protection against microbial contaminants, especially *Cryptosporidium*, and at the same time, reduce potential health risks of disinfection byproducts (DBPs).

Because of agreements reached during national negotiations, these rules contain requirements that begin to take effect before Idaho will be able to adopt them and obtain primacy for implementation. For this reason, US EPA Region 10 will be working directly with the larger Idaho systems that have requirements during the next two years.

EPA has already sent preliminary information on these rules to Idaho systems that serve 50,000 or more customers.

If your system is in this size category and you have not received any information from EPA, contact Wendy Marshall at EPA in Seattle at 206-553-1890 or e-mail her at Marshall.Wendy@epamail.epa.gov.

A comprehensive overview of these rules will be provided in a later issue of this newsletter. In the meantime, you can learn more at the following websites:

EPA Headquarters:
<http://www.epa.gov/safewater/disinfection/index.html>.

EPA Region 10:
<http://yosemite.epa.gov/R10/WATER.NSF>, and click on the "Drinking Water" link. ■

Safe Drinking Water Hotline

For general information on drinking water call:

1-800-426-4791

Monday - Friday, 9am - 5pm EST
(excluding Federal holidays)

or contact EPA's Safe Drinking Water web site at:

www.epa.gov/safewater/hotline/

Some systems may require both treatment and distribution operators

One operator can be licensed for both positions

In Idaho, for the sake of public health protection, systems with both distribution and treatment facilities are required to have both a licensed distribution operator and a treatment operator. The licensed water treatment operator and distribution operator may be the same person, i.e., operators may be "cross-licensed" for both treatment and distribution operator tasks.

Section 554.01.a.
(License Requirements)
of the *Idaho Rules for
Public Drinking Water
Systems* (IDAPA 58.01.08)
reads as follows: "Own-
ers of all community and
nontransient noncommu-
nity public drinking water
systems must place the
direct supervision of their
drinking water system,
*including each treatment
facility and/or distribution
system, under the responsible
charge of a properly licensed
operator.*"

This means all surface
water systems and commu-
nity and nontransient non-
community systems that
are classified as both treat-
ment and distribution sys-
tems must have (a) a licensed water treatment operator, and
(b) a licensed distribution operator. This does not mean
that a system must have two licensed operators because one
operator can be licensed for both classifications.

If a system does not treat drinking water, then it is not neces-
sary to have a licensed treatment operator, only a distribution
operator needs to be on board. However, if a system is classi-
fied as both a distribution and treatment facility, it must have
an operator(s) licensed in both categories.

This requirement affects at least 83 community and
noncommunity nontransient public water systems in the
state. **Systems that need both licensed treatment and
distribution operators should have them in place by
December 31, 2007.**

Questions? Contact your local DEQ regional office. Look
for additional information and reminders in future issues of
this newsletter. ■

Surface Water Systems

*All surface water
systems and community
and nontransient
noncommunity water
systems must place their
systems under the "direct
responsible charge"
of a properly licensed
operator.*

*All surface water
systems must have an
operator licensed for
both distribution and
treatment.*

Training Schedule

Class Sponsor	Location/Date	Class Sponsor	Location/Date
Wastewater I&II Certification Review (BE) - WW	Boise, February 1-2	Water Tank Maintenance (BE) - Water	Gooding, March 22
Collections I&II Review (BE) - WW	Pocatello, February 7	Basic Electricity (BE) - W/WW	Twin Falls, March 23
Management & Finance Training (IRWA)	Twin Falls February 7	Compliance - Rules and Regulations (IRWA)	McCall, March 23
Collections III&IV Review (BE) - WW	Pocatello, February 8	Operator's Bag of Tools (BE) - Water	Cottonwood, March 29
Management & Finance Training (IRWA)	Hailey, February 9	Red, Black, or Stinky Water (BE) - Water	Moscow, March 30
W I&II Certification Review (BE) - Water	Worley, February 16-17	Arsenic (BE) - Water	Idaho Falls, April 5
Sampling Plan Development (BE) - Water	Post Falls, February 18	Vulnerability Assessment (IRWA)	Preston, April 11
Land Application Certification Review (BE) - WW	Boise, February 22-23	Vulnerability Assessment (IRWA)	Rexburg, April 13
Board Training (IRWA)	Moscow, February 23	Basic Lab Procedures (IRWA)	Twin Falls, April 18
VSWS Certification Review (BE) - Water	Pocatello, February 25	Water Tank Maintenance (BE) - Water	Bonnors Ferry, April 25
Land Application Certification Review (BE) - WW	Idaho Falls, Feb 28 -Mar 1	Disinfection of Water & Wastewater (BE) - W/WW	Sandpoint, April 26-27
Basic Cross Connection (BE) - W/WW	Pocatello, March 2	For further information, contact the following: (BE) = Brown Environmental, Inc. 1-800-543-4358 or for the Boise area, 1-208-465-5725. Web site: www.idahooperatortraining.com . (IWA) = Idaho Rural Water Association, 1-800-962-3257 or 1-208-343-7001. Fax: 1-208-343-1866. E-mail: irwa@idahoruralwater.com Web site: www.idahoruralwater.com/index2.htm .	
Examinations	State of Idaho, March 8		
Annual IRWA Conference (IRWA)	Boise, March 13-15		
Operator's Bag of Tools (BE) - Water	Paul, March 21		
Vulnerability Assessment (IRWA)	Weiser, March 21		

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